

located in an underperforming State that received a Phase I SBIR or STTR award, subject to an increase in the allocation percentage;

“(C) establish a program to make Phase 1.5 SBIR or STTR awards to small business concerns located in underperforming States in order to provide funding for 12 to 24 months to continue the development of technology; and

“(D) carry out subparagraph (C) along with other mentorship programs.

“(4) DURATION.—The pilot program established under this subsection shall terminate 5 years after the date on which the pilot program is established.

“(5) REPORT.—The Department shall submit to Congress an annual report on the status of the pilot program established under this subsection, including the improvement in funding under the SBIR and STTR programs of the Department provided to small business concerns located in underperforming States.”.

**SA 4802.** Mr. OSSOFF (for himself, Mr. TILLIS, Mr. KING, Ms. CORTEZ MASTO, Mr. ROUNDS, Mr. SCOTT of South Carolina, and Mr. KELLY) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ DR. DAVID SATCHER CYBERSECURITY EDUCATION GRANT PROGRAM.**

(a) **SHORT TITLE.**—This section may be cited as the “Cybersecurity Opportunity Act”.

(b) **DEFINITIONS.**—In this section:

(1) **DIRECTOR.**—The term “Director” means the Director of the National Institute of Standards and Technology.

(2) **ENROLLMENT OF NEEDY STUDENTS.**—The term “enrollment of needy students” has the meaning given the term in section 312(d) of the Higher Education Act of 1965 (20 U.S.C. 1058(d)).

(3) **HISTORICALLY BLACK COLLEGE OR UNIVERSITY.**—The term “historically Black college or university” has the meaning given the term “part B institution” as defined in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061).

(4) **INSTITUTION OF HIGHER EDUCATION.**—The term “institution of higher education” has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(5) **MINORITY-SERVING INSTITUTION.**—The term “minority-serving institution” means an institution listed in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a)).

(c) **AUTHORIZATION OF GRANTS.**—

(1) **IN GENERAL.**—Subject to the availability of appropriations, the Director shall carry out the Dr. David Satcher Cybersecurity Education Grant Program by—

(A) awarding grants to assist institutions of higher education that have an enrollment of needy students, historically Black colleges and universities, and minority-serving institutions, to establish or expand cybersecurity programs, to build and upgrade insti-

tutional capacity to better support new or existing cybersecurity programs, including cybersecurity partnerships with public and private entities, and to support such institutions on the path to producing qualified entrants in the cybersecurity workforce or becoming a National Center of Academic Excellence in Cybersecurity; and

(B) awarding grants to build capacity at institutions of higher education that have an enrollment of needy students, historically Black colleges and universities, and minority-serving institutions, to expand cybersecurity education opportunities, cybersecurity programs, cybersecurity research, and cybersecurity partnerships with public and private entities.

(2) **RESERVATION.**—The Director shall award not less than 50 percent of the amount available for grants under this section to historically Black colleges and universities and minority-serving institutions.

(3) **COORDINATION.**—The Director shall carry out this section in coordination with appropriate Federal agencies, including the Department of Homeland Security.

(4) **SUNSET.**—The Director’s authority to award grants under paragraph (1) shall terminate on the date that is 5 years after the date the Director first awards a grant under paragraph (1).

(d) **APPLICATIONS.**—An eligible institution seeking a grant under subsection (a) shall submit an application to the Director at such time, in such manner, and containing such information as the Director may reasonably require, including a statement of how the institution will use the funds awarded through the grant to expand cybersecurity education opportunities at the eligible institution.

(e) **ACTIVITIES.**—An eligible institution that receives a grant under this section may use the funds awarded through such grant for increasing research, education, technical, partnership, and innovation capacity, including for—

(1) building and upgrading institutional capacity to better support new or existing cybersecurity programs, including cybersecurity partnerships with public and private entities;

(2) building and upgrading institutional capacity to provide hands-on research and training experiences for undergraduate and graduate students; and

(3) outreach and recruitment to ensure students are aware of such new or existing cybersecurity programs, including cybersecurity partnerships with public and private entities.

(f) **REPORTING REQUIREMENTS.**—Not later than—

(1) 1 year after the effective date of this section, as provided in subsection (h), and annually thereafter until the Director submits the report under paragraph (2), the Director shall prepare and submit to Congress a report on the status and progress of implementation of the grant program under this section, including on the number and nature of institutions participating, the number and nature of students served by institutions receiving grants, the level of funding provided to grant recipients, the types of activities being funded by the grants program, and plans for future implementation and development; and

(2) 5 years after the effective date of this section, as provided in subsection (h), the Director shall prepare and submit to Congress a report on the status of cybersecurity education programming and capacity-building at institutions receiving grants under this section, including changes in the scale and scope of these programs, associated facilities, or in accreditation status, and on the educational and employment outcomes of

students participating in cybersecurity programs that have received support under this section.

(g) **PERFORMANCE METRICS.**—The Director shall establish performance metrics for grants awarded under this section.

(h) **EFFECTIVE DATE.**—This section shall take effect 1 year after the date of enactment of this Act.

**SA 4803.** Ms. DUCKWORTH (for herself, Mr. KELLY, Ms. HIRONO, Ms. ROSEN, Mr. BENNET, Mr. HEINRICH, Mr. MORAN, Mr. YOUNG, Mrs. FEINSTEIN, Mrs. GILLIBRAND, Mr. KING, Mrs. SHAHEEN, Ms. KLOBUCHAR, Mr. DURBIN, Mr. PETERS, and Mr. BLUMENTHAL) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XII, add the following:

**SEC. 1216. AFGHANISTAN WAR COMMISSION ACT OF 2021.**

(a) **SHORT TITLE.**—This section may be cited as the “Afghanistan War Commission Act of 2021”.

(b) **DEFINITIONS.**—In this section:

(1) **APPLICABLE PERIOD.**—The term “applicable period” means the period beginning June 1, 2001, and ending August 30, 2021.

(2) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means—

(A) the Committee on Armed Services of the Senate;

(B) the Committee on Foreign Relations of the Senate;

(C) the Select Committee on Intelligence of the Senate;

(D) the Committee on Appropriations of the Senate;

(E) the Committee on Armed Services of the House of Representatives;

(F) the Committee on Foreign Affairs of the House of Representatives;

(G) the Permanent Select Committee on Intelligence of the House of Representatives; and

(H) the Committee on Appropriations of the House of Representatives.

(3) **INTELLIGENCE COMMUNITY.**—The term “intelligence community” has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)).

(c) **ESTABLISHMENT OF COMMISSION.**—

(1) **ESTABLISHMENT.**—There is established in the legislative branch an independent commission to be known as the Afghanistan War Commission (in this section referred to as the “Commission”).

(2) **MEMBERSHIP.**—

(A) **COMPOSITION.**—The Commission shall be composed of 16 members of whom—

(i) 1 shall be appointed by the Chairman of the Committee on Armed Services of the Senate;

(ii) 1 shall be appointed by the ranking member of the Committee on Armed Services of the Senate;

(iii) 1 shall be appointed by the Chairman of the Committee on Armed Services of the House of Representatives;

(iv) 1 shall be appointed by the ranking member of the Committee on Armed Services of the House of Representatives;

(v) 1 shall be appointed by the Chairman of the Committee on Foreign Relations of the Senate;

(vi) 1 shall be appointed by the ranking member of the Committee on Foreign Relations of the Senate;

(vii) 1 shall be appointed by the Chairman of the Committee on Foreign Affairs of the House of Representatives;

(viii) 1 shall be appointed by the ranking member of the Committee on Foreign Affairs of the House of Representatives;

(ix) 1 shall be appointed by the Chairman of the Select Committee on Intelligence of the Senate;

(x) 1 shall be appointed by the ranking member of the Select Committee on Intelligence of the Senate.

(xi) 1 shall be appointed by the Chairman of the Permanent Select Committee on Intelligence of the House of Representatives;

(xii) 1 shall be appointed by the ranking member of the Permanent Select Committee on Intelligence of the House of Representatives;

(xiii) 1 shall be appointed by the majority leader of the Senate;

(xiv) 1 shall be appointed by the minority leader of the Senate;

(xv) 1 shall be appointed by the Speaker of the House of Representatives; and

(xvi) 1 shall be appointed by the Minority Leader of the House of Representatives.

(B) QUALIFICATIONS.—It is the sense of Congress that each member of the Commission appointed under subparagraph (A) should have significant professional experience in national security, such as a position in—

- (i) the Department of Defense;
- (ii) the Department of State;
- (iii) the intelligence community;
- (iv) the United States Agency for International Development; or
- (v) an academic or scholarly institution.

(C) PROHIBITIONS.—A member of the Commission appointed under subparagraph (A) may not—

- (i) be a current member of Congress;
- (ii) be a former member of Congress who served in Congress after January 3, 2001;
- (iii) be a current or former registrant under the Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.);
- (iv) have previously investigated Afghanistan policy or the war in Afghanistan through employment in the office of a relevant inspector general;

(v) have been the sole owner or had a majority stake in a company that held any United States or coalition defense contract providing goods or services to activities by the United States Government or coalition in Afghanistan during the applicable period; or

(vi) have served, with direct involvement in actions by the United States Government in Afghanistan during the time the relevant official served, as—

(I) a cabinet secretary or national security adviser to the President; or

(II) a four-star flag officer, Under Secretary, or more senior official in the Department of Defense or the Department of State.

(D) DATE.—

(i) IN GENERAL.—The appointments of the members of the Commission shall be made not later than 60 days after the date of enactment of this Act.

(ii) FAILURE TO MAKE APPOINTMENT.—If an appointment under subparagraph (A) is not made by the appointment date specified in clause (i)—

(I) the authority to make such appointment shall expire; and

(II) the number of members of the Commission shall be reduced by the number equal to the number of appointments not made.

(3) PERIOD OF APPOINTMENT; VACANCIES.—

(A) IN GENERAL.—A member of the Commission shall be appointed for the life of the Commission.

(B) VACANCIES.—A vacancy in the Commission—

(i) shall not affect the powers of the Commission; and

(ii) shall be filled in the same manner as the original appointment.

(4) MEETINGS.—

(A) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold the first meeting of the Commission.

(B) FREQUENCY.—The Commission shall meet at the call of the Co-Chairpersons.

(C) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(5) CO-CHAIRPERSONS.—The Commission shall select, by a simple majority vote—

(A) 1 Co-Chairperson from the members of the Commission appointed by chairpersons of the appropriate congressional committees; and

(B) 1 Co-Chairperson from the members of the Commission appointed by the ranking members of the appropriate congressional committees.

(d) PURPOSE OF COMMISSION.—The purpose of the Commission is—

(1) to examine the key strategic, diplomatic, and operational decisions that pertain to the war in Afghanistan during the relevant period, including decisions, assessments, and events that preceded the war in Afghanistan; and

(2) to develop a series of lessons learned and recommendations for the way forward that will inform future decisions by Congress and policymakers throughout the United States Government.

(e) DUTIES OF COMMISSION.—

(1) STUDY.—

(A) IN GENERAL.—The Commission shall conduct a thorough study of all matters relating to combat operations, reconstruction and security force assistance activities, intelligence operations, and diplomatic activities of the United States pertaining to the Afghanistan during the period beginning September 1, 1996, and ending August 30, 2021.

(B) MATTERS STUDIED.—The matters studied by the Commission shall include—

(i) for the time period specified under subparagraph (A)—

(I) the policy objectives of the United States Government, including—

- (aa) military objectives;
- (bb) diplomatic objectives;
- (cc) development objectives; and
- (dd) intelligence objectives;

(II) significant decisions made by the United States, including the development of options presented to policymakers;

(III) the efficacy of efforts by the United States Government in meeting the objectives described in clause (i), including an analysis of—

- (aa) military efforts;
- (bb) diplomatic efforts;
- (cc) development efforts; and
- (dd) intelligence efforts; and

(IV) the efficacy of counterterrorism efforts against al Qaeda, the Islamic State Khorasan Province, and other foreign terrorist organizations in degrading the will and capabilities of such organizations—

(aa) to mount external attacks against the United States mainland or its allies and partners; or

(bb) to threaten regional stability in Afghanistan and neighboring countries.

(ii) the efficacy of metrics, measures of effectiveness, and milestones used to assess

progress of diplomatic, military, and intelligence efforts;

(iii) the efficacy of interagency planning and execution process by the United States Government;

(iv) factors that led to the collapse of the Afghan National Defense Security Forces in 2021, including—

(I) training;

(II) assessment methodologies;

(III) building indigenous forces on western models;

(IV) reliance on technology and logistics support; and

(V) reliance on warfighting enablers provided by the United States;

(v) the efficacy of counter-corruption efforts to include linkages to diplomatic lines of effort, linkages to foreign and security assistance, and assessment methodologies;

(vi) the efficacy of counter-narcotic efforts to include alternative livelihoods, eradication, interdiction, and education efforts;

(vii) the role of countries neighboring Afghanistan in contributing to the instability of Afghanistan;

(viii) varying diplomatic approaches between Presidential administrations;

(ix) the extent to which the intelligence community did or did not fail to provide sufficient warning about the probable outcomes of a withdrawal of coalition military support from Afghanistan, including as it relates to—

(I) the capability and sustainability of the Afghanistan National Defense Security Forces;

(II) the sustainability of the Afghan central government, absent coalition support;

(III) the extent of Taliban control over Afghanistan over time with respect to geographic territory, governance, and influence; and

(IV) the likelihood of the Taliban regaining control of Afghanistan at various levels of United States and coalition support, including the withdrawal of most or all United States or coalition support;

(x) the extent to which intelligence products related to the state of the conflict in Afghanistan and the effectiveness of the Afghanistan National Defense Security Forces complied with intelligence community-wide analytic tradecraft standards and fully reflected the divergence of analytic views across the intelligence community;

(xi) an evaluation of whether any element of the United States Government inappropriately restricted access to data from elements of the intelligence community, Congress, or the Special Inspector General for Afghanistan Reconstruction (SIGAR) or any other oversight body such as other inspectors general or the Government Accountability Office, including through the use of overclassification; and

(xii) the extent to which public representations of the situation in Afghanistan before Congress by United States Government officials were not consistent with the most recent formal assessment of the intelligence community at the time those representations were made.

(2) REPORT REQUIRED.—

(A) IN GENERAL.—

(i) ANNUAL REPORT.—

(I) IN GENERAL.—Not later than 1 year after the date of the initial meeting of the Commission, and annually thereafter, the Commission shall submit to the appropriate congressional committees a report describing the progress of the activities of the Commission as of the date of such report, including any findings, recommendations, or lessons learned endorsed by the Commission.

(II) ADDENDA.—Any member of the Commission may submit an addendum to a report required under subclause (I) setting

forth the separate views of such member with respect to any matter considered by the Commission.

(III) BRIEFING.—On the date of the submission of the first annual report, the Commission shall brief Congress.

(ii) FINAL REPORT.—

(I) SUBMISSION.—Not later than 3 years after the date of the initial meeting of the Commission, the Commission shall submit to Congress a report that contains a detailed statement of the findings, recommendations, and lessons learned endorsed by the Commission.

(II) ADDENDA.—Any member of the Commission may submit an addendum to the report required under subclause (I) setting forth the separate views of such member with respect to any matter considered by the Commission.

(III) EXTENSION.—The Commission may submit the report required under subclause (I) at a date that is not more than 1 year later than the date specified in such clause if agreed to by the chairperson and ranking member of each of the appropriate congressional committees.

(B) FORM.—The report required by paragraph (1)(B) shall be submitted and publicly released on a Government website in unclassified form but may contain a classified annex.

(C) SUBSEQUENT REPORTS ON DECLASSIFICATION.—

(i) IN GENERAL.—Not later than 4 years after the date that the report required by subparagraph (A)(ii) is submitted, each relevant agency of jurisdiction shall submit to the committee of jurisdiction a report on the efforts of such agency to declassify such annex.

(ii) CONTENTS.—Each report required by clause (i) shall include—

(I) a list of the items in the classified annex that the agency is working to declassify at the time of the report and an estimate of the timeline for declassification of such items;

(II) a broad description of items in the annex that the agency is declining to declassify at the time of the report; and

(III) any justification for withholding declassification of certain items in the annex and an estimate of the timeline for declassification of such items.

(f) POWERS OF COMMISSION.—

(1) HEARINGS.—The Commission may hold such hearings, take such testimony, and receive such evidence as the Commission considers necessary to carry out its purpose and functions under this section.

(2) ASSISTANCE FROM FEDERAL AGENCIES.—

(A) INFORMATION.—

(i) IN GENERAL.—The Commission may secure directly from a Federal department or agency such information as the Commission considers necessary to carry out this section.

(ii) FURNISHING INFORMATION.—Upon receipt of a written request by the Co-Chairpersons of the Commission, the head of the department or agency shall expeditiously furnish the information to the Commission.

(B) SPACE FOR COMMISSION.—Not later than 30 days after the date of the enactment of this Act, the Administrator of General Services, in consultation with the Commission, shall identify and make available suitable excess space within the Federal space inventory to house the operations of the Commission. If the Administrator of General Services is not able to make such suitable excess space available within such 30-day period, the Commission may lease space to the extent that funds are available for such purpose.

(3) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as

other departments and agencies of the Federal Government.

(4) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services, goods, and property from non-Federal entities for the purposes of aiding and facilitating the work of the Commission. The authority in this subsection does not extend to gifts of money. Gifts accepted under this authority shall be documented, and conflicts of interest or the appearance of conflicts of interest shall be avoided. Subject to the authority in this section, commissioners shall otherwise comply with rules set forth by the Select Committee on Ethics of the Senate and the Committee on Ethics of the House of Representatives governing employees of the Senate and the House of Representatives.

(5) LEGISLATIVE ADVISORY COMMITTEE.—The Commission shall operate as a legislative advisory committee and shall not be subject to the provisions of the Federal Advisory Committee Act (Public Law 92-463; 5 U.S.C. App) or section 552b, United States Code (commonly known as the Government in the Sunshine Act).

(g) COMMISSION PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—A member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Commission.

(2) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(3) STAFF.—

(A) STATUS AS FEDERAL EMPLOYEES.—Notwithstanding the requirements of section 2105 of title 5, United States Code, including the required supervision under subsection (a)(3) of such section, the members of the commission shall be deemed to be Federal employees.

(B) EXECUTIVE DIRECTOR.—The Commission shall appoint and fix the rate of basic pay for an Executive Director in accordance with section 3161(d) of title 5, United States Code.

(C) PAY.—The Executive Director, with the approval of the Commission, may appoint and fix the rate of basic pay for additional personnel as staff of the Commission in accordance with section 3161(d) of title 5, United States Code.

(4) DETAIL OF GOVERNMENT EMPLOYEES.—A Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(5) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Co-Chairpersons of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

(h) TERMINATION OF COMMISSION.—The Commission shall terminate 90 days after the date on which the Commission submits the report required under subsection (e)(2)(A)(ii).

(i) AUTHORIZATION OF APPROPRIATIONS.—

(1) INCREASE.—The amount authorized to be appropriated by section 4301 for Operation and Maintenance, Defense-wide, for the Of-

fice of the Secretary of Defense, is hereby increased by \$3,000,000.

(2) OFFSET.—The amount authorized to be appropriated by section 4301 for Operation and Maintenance, Afghanistan Security Forces Fund, for Afghanistan Air Force, Line 090, is hereby reduced by \$3,000,000.

**SA 4804.** Mr. YOUNG submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title XII, add the following:

**SEC. 1253. REPORT ON GEOSTRATEGIC INTERESTS AND NATIONAL SECURITY IMPLICATIONS RELATED TO TRADE IN INDO-PACIFIC REGION.**

(a) IN GENERAL.—Not later than 150 days after the date of the enactment of this Act, the United States Trade Representative, in coordination with the Secretary of Defense, the Secretary of State, the Secretary of Commerce, and the Secretary of Homeland Security, shall submit to Congress and make available to the public a report on geostrategic interests and national security implications related to trade in the Indo-Pacific region.

(b) ELEMENTS.—The report required by subsection (a) shall include an assessment of the following:

(1) How reductions in tariffs, revisions in government procurement rules, and other market access commitments by countries in the Indo-Pacific region could potentially affect United States producers and supply chains deemed critical for national security purposes.

(2) How agreements by those countries, including with respect to strengthening investment and intellectual property rights, could potentially affect the development by the United States of critical new technologies.

(3) How agreements by those countries relating to digital trade could potentially affect United States cybersecurity, including potential agreements entered into with the United States to promote cybersecurity and open data flows and to combat discriminatory practices and government censorship.

(4) How tariff and nontariff barriers imposed by those countries and trade agreements by those countries could broadly affect geostrategic United States interests, partnerships, and alliances.

(5) Current and predicted foreign direct investment in the Indo-Pacific region by the People's Republic of China.

(6) How agreements by those countries could counter the semiconductor policies of the Government of the People's Republic of China, particularly those policies that could lead to the transfer of intellectual property, research and development, and manufacturing to the People's Republic of China.

(c) PUBLIC HEARING.—The Trade Representative and the officials specified in subsection (a) shall jointly conduct a public hearing and invite witnesses to testify with respect to the elements described in subsection (b).

**SA 4805.** Ms. CORTEZ MASTO submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year